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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,508	03/25/2004	Atsushi Itsukaichi	OMY-0035	5521

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EXAMINER

VO, NGUYEN THANH

ART UNIT	PAPER NUMBER
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2618

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05/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/808,508

**Applicant(s)**

ITSUKAICHI, ATSUSHI

**Examiner**

Nguyen Vo

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14 and 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4, 6-8, 10-12, 20-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, the recitation "receiving channel" at lines 8-9 lacks clear antecedent basis. It should be changed to --receiving terminal--.

As to claim 10, the recitation "forth mode" should be changed to --fourth mode--.

As to claim 20, the recitation "a mounting portion on which the receiving terminal is detachably mounted an external antenna for receiving a carrier wave convoluted with a signal" has no clear meaning. It is suggested that it should be changed to --a mounting portion on which the receiving terminal is detachably mounted; an external

antenna for receiving a carrier wave convoluted with a signal--. The recitation "transmitting portion" at lines 12-13 lacks clear antecedent basis. It should be changed to --transmitting means--. The recitation "decoding means.;" at line 21 should be changed to --decoding means;--.

As to claim 25, the recitation "Equipped" at line 3 should be changed to --equipped--.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-10, 12, 19-21, 23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titlebaum (US 6,549,774 B1, cited by examiner) in view of Griffin (6,031,492, cited by examiner).

As to claim 9, Titlebaum discloses a receiving terminal 14 (see figure 2) which is capable of being detachably mounted on a mounting portion of a cradle 155 (see column 4 lines 8-12; column 8 lines 31-50; figure 8) having an external antenna 26 for receiving the carrier wave convoluted with a signal, comprising a first built-in antenna 18 for receiving the carrier wave convoluted with a signal; first shifting means for shifting the receiving terminal from a first mode to a second mode when the receiving terminal is mounted on the mounting portion, the first mode being for receiving the carrier wave by the built-in antenna, the second mode being for receiving the signal by the receiving

portion through the external antenna (see column 2 lines 33-39; column 7 lines 32-53); a battery for supplying the power to the receiving terminal instead of the power source supplying portion of the cradle when the receiving terminal is demounted from the mounting portion (see battery in figure 2; column 6 lines 45-48); a decoding means 76 (see figure 4) for decoding the signal received through the built-in antenna in the first mode and the signal received through the receiving portion in the second mode; and a reproducing means (see label "speaker" in figure 4) for reproducing the received signal decoded by the decoding means. Titlebaum fails to disclose a power source supplying portion for supplying power to the receiving terminal mounted on the mounting portion; transmitting portion for transmitting the signal received through the external antenna to the receiving terminal mounted on the mounting portion; a receiving portion for receiving the signal transmitted from the transmitting portion of the cradle. Griffin discloses a power source supplying portion for supplying power to the receiving terminal mounted on the mounting portion (see column 3 lines 29-32); transmitting portion 370 (see figure 4) for transmitting the signal received through the external antenna 305 to the receiving terminal 350 mounted on the mounting portion; a receiving portion 375 for receiving the signal transmitted from the transmitting portion of the cradle 300 (see column 3 lines 56-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Griffin to Titlebaum, in order to save the battery life by charging the battery of the receiving terminal when the receiving terminal is mounted on the cradle (as suggested by Griffin at column 2 lines 34-36).

As to claim 10, the combination of Titlebaum and Griffin discloses an outputting means (see Titlebaum, figure 4, output signal from block 77); a reproducing signal providing means (see Titlebaum, figure 4, label "speaker"); second shifting means (see Titlebaum, column 2 lines 33-39; column 7 lines 32-53; see Griffin, column 3 lines 45-55).

As to claim 12, the combination of Titlebaum and Griffin discloses outputting an audio sound as claimed (see Titlebaum, figure 4, label "speaker"; see Griffin, column 3 lines 45-55).

As to claim 19, the combination of Titlebaum and Griffin discloses the claimed limitation (see Griffin, column 3 lines 29-32).

As to claim 20, it is rejected for similar reasons as set forth in claim 9 above.

As to claim 21, it is rejected for similar reasons as set forth in claim 10 above.

As to claim 23, it is rejected for similar reasons as set forth in claim 12 above.

As to claim 28, it is rejected for similar reasons as set forth in claim 19 above.

6. Claims 11, 13, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titlebaum in view of Griffin as applied to claims 9, 20 above, and further in view of Holloway (US 2004/0204192 A1, cited by examiner).

As to claims 11, 22, the combination of Titlebaum and Griffin fails to disclose means for displaying as claimed. Holloway discloses means for displaying (see paragraph [0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Holloway to the

combination of Titlebaum and Griffin, in order to provide a larger display to the user (as suggested by Holloway at paragraph [0021]).

As to claims 13, 24, the combination of Titlebaum and Griffin fails to disclose inputting controlling signal from outside the receiving terminal as claimed. Holloway discloses inputting controlling signal from outside the receiving terminal (see paragraph [0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Holloway to the combination of Titlebaum and Griffin, in order to provide more convenience to the user (as suggested by Holloway at paragraph [0021]).

7. Claims 14, 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Titlebaum in view of Griffin and Holloway as applied to claims 13, 24 above, and further in view of Smith (5,266,922, cited by examiner).

As to claims 14, 25-26, the combination of Holloway, Griffin and Holloway fails to disclose using a brake signal to restrict reproduction by the reproducing means as claimed. Smith discloses using a brake signal to restrict reproduction by a reproducing means 115 (see column 5 line 42 to column 6 line 43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Smith to the above combination, in order to inhibit the use of a display and keyboard device when the vehicle is in motion (as suggested by Smith at column 4 lines 35-40).

***Allowable Subject Matter***

8. Claims 1-4, 6-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

As to claims 1-4, 6-8, the prior art fail to disclose or render obvious a transmitting antenna disposed opposite to the first antenna of the receiving terminal for transmitting the signal received through the external antenna to the receiving terminal mounted on the mounting portion, as specified in independent claim 1.

9. Claim 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

As to claim 27, the prior art fail to disclose or render obvious details of the cradle as specified in the claim.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida (US 2002/0081987 A1) discloses a cellular telephone 1A mounted on a cradle 2A.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on M-F.



Art Unit: 2618

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nguyen Vo  
Primary Examiner  
Art Unit 2618

*Nguyen Vo*  
5-18-2007